

EXHIBIT 20

From: [Smith, K'Shaani \(CRT\)](#)
To: [Michelle Scott](#)
Cc: [Michael Rosman](#); [Braniff, Andrew \(CRT\)](#); [Dinan, Christine \(CRT\)](#); [Gray, Juliet \(CRT\)](#); [Dale Conder](#)
Subject: RE: Ultima--30(b)(6) Depositions
Date: Wednesday, April 20, 2022 9:14:45 PM

Hi Michelle,

Tomorrow morning, we intend to present Michelle Warren for testimony at 9:30 am, and Tiffany Taylor will testify afterwards.

As for Ms. Warren's testimony, we are still looking for information regarding Topic 10 (plan or program developed or promulgated pursuant to Executive Order 12432 or reports pursuant to Section 3 of Executive Order 11625); thus, Ms. Warren will not be able to testify about it tomorrow. Once we have located sufficient information, we can present a witness for testimony on that topic or provide a written response.

Please let us know if you would like to discuss this.

Best,
K'Shaani

K'Shaani Smith

Pronouns: she/her
Trial Attorney
Department of Justice
Civil Rights Division
Employment Litigation Section
(202) 598-6856 - cell

From: Michelle Scott <Scott@cir-usa.org>
Sent: Monday, April 18, 2022 2:44 PM
To: Smith, K'Shaani (CRT) <K'Shaani.Smith@usdoj.gov>
Cc: Michael Rosman <Rosman@cir-usa.org>; Braniff, Andrew (CRT) <Andrew.Braniff@usdoj.gov>;
Dinan, Christine (CRT) <Christine.Dinan@usdoj.gov>; Gray, Juliet (CRT) <Juliet.Gray@usdoj.gov>;
Dale Conder <dconder@raineykizer.com>
Subject: [EXTERNAL] Re: Ultima--30(b)(6) Depositions

K'Shaani,

I am writing to clarify USDA topic 11.

Regarding topic 11, we intend to ask questions relating to the contracts (and other related documents) for the following states: Alabama, Arkansas, Georgia, Hawaii, Kansas, Mississippi,

Missouri, Montana, Oregon, South Carolina, Tennessee, Texas, Utah, Wyoming, and Virginia.

Thank you,

Michelle

Michelle A. Scott
Center for Individual Rights
1100 Connecticut Ave., NW
Suite 625
Washington, DC 20036
(202) 833-8400

scott@cir-usa.org

On Apr 14, 2022, at 12:55 PM, Smith, K'Shaani (CRT) <K'Shaani.Smith@usdoj.gov> wrote:

Hi Michael,

John Klein is available on April 25. We intentionally designated both Michelle Warren and Tiffany Taylor for topic 8. Ms. Warren will testify about USDA goaling and utilization tracking and any questions she is unable to answer can be answered by Ms. Taylor, and vice versa.

If we are able to identify any former employees with relevant information, we will send their names and contact information as soon as practicable.

Thanks,
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K'Shaani Smith
Pronouns: she/her
Trial Attorney
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Civil Rights Division
Employment Litigation Section
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From: Michael Rosman <Rosman@cir-usa.org>
Sent: Tuesday, April 12, 2022 10:54 AM
To: Smith, K'Shaani (CRT) <K'Shaani.Smith@usdoj.gov>
Cc: Braniff, Andrew (CRT) <Andrew.Braniff@usdoj.gov>; Gray, Juliet (CRT) <Juliet.Gray@usdoj.gov>; Dinan, Christine (CRT) <Christine.Dinan@usdoj.gov>; Michelle Scott <Scott@cir-usa.org>; Crawford, Cecily (CRT) <Cecily.Crawford2@usdoj.gov>; Dale Conder <dconder@raineykizer.com>

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Moving Ms. Atkinson to the 20th is fine, but the 18th is not a good date for Mr. Klein. Is he available the following Monday (April 25)?

You have now designated two different people for topic 8. Was that intentional, and, if so, how are they splitting up that topic?

With respect to former employees, we are particularly interested in any former contracting officers or supervisors of contracting officers formerly employed by the USDA (like those identified in the chart you produced in response to Interrog. No. 2 of the first set of interrogatories), and anyone involved in the adverse impact analysis for Plaintiff formerly employed by the SBA. Of course, if there are no such former employees, just let us know.

Michael

From: Smith, K'Shaani (CRT) <K'Shaani.Smith@usdoj.gov>
Sent: Monday, April 11, 2022 6:12 PM
To: Michelle Scott <Scott@cir-usa.org>
Cc: Michael Rosman <Rosman@cir-usa.org>; Braniff, Andrew (CRT) <Andrew.Braniff@usdoj.gov>; Gray, Juliet (CRT) <Juliet.Gray@usdoj.gov>; Dinan, Christine (CRT) <Christine.Dinan@usdoj.gov>; Crawford, Cecily (CRT) <Cecily.Crawford2@usdoj.gov>; Dale Conder <dconder@raineykizer.com>
Subject: RE: Ultima--30(b)(6) Depositions

Hi Michelle,

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Further, we have made the following adjustments to the USDA deponents' designated topics:

- Tiffany Taylor, Director of the USDA Office of Contracting and Procurement
 - Topics: 1, 2, 8, 9, 12
- Heidi Atkinson, Branch Chief of the Policy, Accountability, and Oversight Branch Acquisitions Division at FPAC Business Center
 - Topics: 3, 4, 5, 6, 7, 11
- Michelle Warren, Acting Director of the USDA Office of Small and Disadvantaged Business Utilization
 - Topics: 8, 10

We look forward to getting more particularized information regarding what the plaintiff is seeking regarding USDA Topic 11 and a particularized list of the relevant information you would like SBA and USDA former employees to speak to.

Thanks,
K'Shaani

K'Shaani Smith
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From: Michelle Scott <Scott@cir-usa.org>
Sent: Wednesday, April 6, 2022 2:03 PM
To: Smith, K'Shaani (CRT) <K'Shaani.Smith@usdoj.gov>
Cc: Michael Rosman <Rosman@cir-usa.org>; Braniff, Andrew (CRT) <Andrew.Braniff@usdoj.gov>; Gray, Juliet (CRT) <Juliet.Gray@usdoj.gov>; Dinan, Christine (CRT) <Christine.Dinan@usdoj.gov>; Crawford, Cecily (CRT) <Cecily.Crawford2@usdoj.gov>; Dale Conder <dconder@raineykizer.com>
Subject: [EXTERNAL] Ultima--30(b)(6) Depositions

Additionally, I neglected to mention that if the schedule set out below is acceptable to defendants, we will move the deposition of DOJ to the following week.

Thank you,

Michelle

Michelle A. Scott
Center for Individual Rights
1100 Connecticut Ave., NW
Suite 625
Washington, DC 20036
(202) 833-8400

scott@cir-usa.org

Begin forwarded message:

From: Michelle Scott <scott@cir-usa.org>
Subject: Re: Ultima--30(b)(6) Depositions
Date: April 6, 2022 at 1:02:08 PM EDT
To: "Smith, K'Shaani (CRT)" <K'Shaani.Smith@usdoj.gov>
Cc: Michael Rosman <Rosman@cir-usa.org>, "Braniff, Andrew (CRT)" <Andrew.Braniff@usdoj.gov>, "Gray, Juliet (CRT)" <Juliet.Gray@usdoj.gov>, "Dinan, Christine (CRT)"

<Christine.Dinan@usdoj.gov>, "Crawford, Cecily (CRT)"
<Cecily.Crawford2@usdoj.gov>, Dale Conder
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K'Shaani,

We would like to depose Heidi Atkinson on Monday April 18. We would like to depose John Klein on Wednesday April 20. And we would like to depose Tiffany Taylor and Michelle Warren on Thursday April 21.

We plan to take the Atkinson, Taylor, and Warren depositions remotely.

We are still deciding whether to take the Klein deposition in person or remotely; however, if anyone has health concerns regarding an in person deposition, please let us know and we will take that into consideration.

Thank you,

Michelle

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(202) 833-8400

scott@cir-usa.org

On Apr 1, 2022, at 4:33 PM, Smith, K'Shaani (CRT) <K'Shaani.Smith@usdoj.gov> wrote:

Hi Michael,

We are writing to inform you of the designees for the SBA and USDA 30(b)(6) depositions.

SBA has designated John Klein, Acting Deputy General Counsel and Associate General Counsel for Procurement Law for the SBA, to testify about each of the noticed topics. USDA has designated the following deponents to testify regarding the noticed topics as specified:

- Tiffany Taylor, Director of the USDA Office of

Contracting and Procurement

- Topics: 1, 2, 9, 12
- Heidi Atkinson, Branch Chief of the Policy, Accountability, and Oversight Branch Acquisitions Division at FPAC Business Center
 - Topics: 3, 4, 5, 7, 11
- Michelle Warren, Acting Director of the USDA Office of Small and Disadvantaged Business Utilization
 - Topics: 6, 8, 10

Due to travel and vacation plans, deponents will not be available during the week of April 11. However, they will be available the week of April 18. Every day other than April 19 will work for us. Also, would you be open to scheduling multiple depositions in one day? For instance, Tiffany Taylor and Michelle Warren may be able to testify on the same day.

Further, as agreed during our call on March 23, could you let us know what information that the plaintiff is seeking regarding USDA Topic 11 with more particularity? Also, as decided during the call, could you let us know which former employees you would like contact information for and provide a particularized list of the relevant information you would like these former employees to speak to?

Please let us know if you have any questions or concerns, or if you would like to schedule a call to discuss.

Best,
K'Shaani

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To: [Michelle Scott](#)
Cc: [Michael Rosman](#); [Braniff, Andrew \(CRT\)](#); [Dinan, Christine \(CRT\)](#); [Gray, Juliet \(CRT\)](#); [Dale Conder](#)
Subject: RE: Ultima--Klein deposition and stipulation regarding DOJ publication
Date: Friday, April 22, 2022 3:42:50 PM

Hi Michelle,

Mr. Klein has access to Exhibit Share. We will try to get him copies of the documents you mentioned, but it would be best if you are prepared to show him any documents you would like him to review via Exhibit Share.

Additionally, as with Michelle Warren's deposition, we are still looking into information regarding SBA Topic 20 (plan or program developed or promulgated pursuant to Executive Order 12432 or reports pursuant to Section 3 of Executive Order 11625); thus, Mr. Klein will not be able to testify about it on Monday. Once we have located sufficient information, we can present a witness for testimony on that topic or provide a written response.

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Trial Attorney
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From: Michelle Scott <Scott@cir-usa.org>
Sent: Thursday, April 21, 2022 9:07 PM
To: Smith, K'Shaani (CRT) <K'Shaani.Smith@usdoj.gov>
Cc: Michael Rosman <Rosman@cir-usa.org>; Braniff, Andrew (CRT) <Andrew.Braniff@usdoj.gov>;
Dinan, Christine (CRT) <Christine.Dinan@usdoj.gov>; Gray, Juliet (CRT) <Juliet.Gray@usdoj.gov>;
Dale Conder <dconder@raineykizer.com>
Subject: [EXTERNAL] Re: Ultima--Klein deposition and stipulation regarding DOJ publication

Hi K'Shaani,

Could you please make sure that Mr. Klein has access to Exhibit Share for his deposition, and/or provide us with his email so that we can ask veritext to give him access?

Also, we think it would expedite Mr. Klein's deposition if he had certain of the larger documents with him rather than try to navigate Exhibit Share with them. (Similar to the experts

having their expert reports with them.) Accordingly, let me know if he could bring a copy of the regulations (13 CFR Part 124), the Standard Operating Procedures for the SBA (Bates No. 51216 et al.), and the three 408 Reports (starting at Bates Nos. 50780, 50948, and 51094).

Furthermore, it is our understanding from our conversation on Monday that you are still working to correct the transcript of the deposition of Celeste Bennett, and that the period of time for her to review and correct her transcript has not yet started.

Lastly, as we discussed, we may be willing to enter into a stipulation regarding the DOJ publication we discussed on Monday. I attach our proposed draft.

Please let us know if you would like to discuss anything.

Thank you,

Michelle

Michelle A. Scott
Center for Individual Rights
1100 Connecticut Ave., NW
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On Apr 20, 2022, at 9:35 PM, Michelle Scott <Scott@cir-usa.org> wrote:

K'Shaani,

As for deposing Michelle Warren first,
followed by Tiffany Taylor, that order is fine with me.

As for your question relating to topic 10, I'll defer an answer to your proposal until I've had a chance to discuss it with my co-counsel and our client.

Thank you,

Michelle

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Date: April 6, 2022 at 1:02:08 PM EDT
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(202) 598-6856 - cell

From: [Smith, K'Shaani \(CRT\)](#)
To: [Michael Rosman](#); [michelle.warren@usda.gov](#); [Dale Conder](#)
Cc: [Braniff, Andrew \(CRT\)](#); [Gray, Juliet \(CRT\)](#); [Dinan, Christine \(CRT\)](#)
Subject: Ultima--30(b)(6) Topics 20 (SBA) and 11 (USDA)
Date: Monday, May 16, 2022 10:46:44 AM

Hi Michael,

We have had our clients at SBA and USDA research their organizations for knowledge on SBA Topic 20 and USDA Topic 10. After a thorough search, we will not be able to present any witnesses to testify to SBA Topic 20 and USDA Topic 10 as there are no witnesses available at the agencies who can testify with specific knowledge on these topics.

Please let us know if you would like to discuss this.

Thanks,
K'Shaani

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